



TRAINING SPONSOR Update

Volume 5, No. 1
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MDCIS - Asbestos Program

Website . . . What's New?

In August 2000, the Asbestos Program launched a new website, which provides applications, brochures, regulations, interpretations, and other asbestos related information. It is hoped that it will be a useful tool for those in the asbestos industry as well as the general public. The website can be easily reached by visiting the state of Michigan website at www.mi.gov and search "asbestos program." ☺

Application and Notification Forms available on the Internet?

YES! The accreditation, contractor, and training course applications are now available on the Asbestos Program website. These applications can be completed and printed from the website. To choose specific categories on an application, just click in the appropriate box and the corresponding monetary amounts will automatically fill in.

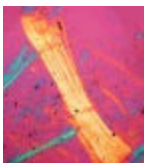
The Notification form is also available on the website. It can be easily completed and printed as well.

These new forms have been put in place for your benefit and use. ☺

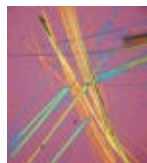
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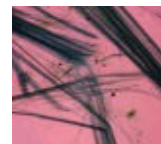
ASBESTOS: STILL A PRESENT DANGER



Chrysotile



Amosite



Crocidolite

Although bio-terrorism is on the forefront, as witnessed in recent events, asbestos also still raises concerns. These concerns are being confirmed in occupational health reports.

Asbestos-related lung disease is the most common of the dust diseases reported to the Michigan Department of Consumer and Industry Services (MDCIS). The number of reports for both asbestosis and pleural thickening is continuing to increase (see chart). In Michigan, the public health reports indicate the majority of occupational health deaths are overwhelmingly asbestos-related.

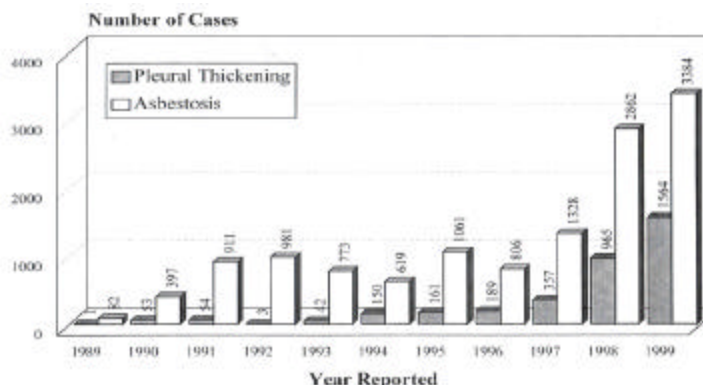
Asbestos-Related Fatalities

In the *2000 Annual Summary of Occupational Disease Reports to the*

MDCIS, fatalities related to occupational illnesses were reported for 70 workers. All 70 cases were men who ranged in age from 21 to 86. Sixty-one died from asbestos-related cancer, eight died from asbestosis, and one died of a respiratory illness. Thirty-six of the deceased workers had been employed in manufacturing, nine were utility workers, eight worked in construction, two worked in the military, and one worked in education. Former occupations were not specified for 14 workers.

These deceased workers were not asbestos abatement workers and their listed occupations would not have obvious asbestos exposure. These unsuspecting exposures demonstrate the need for training of workers who have the potential for contacting or disturbing asbestos-containing materials. ☺

Asbestos-Related Cases Reported to the MDCIS: 1989-1999





THE ENFORCEMENT CORNER

Building and Facility Owners Responsibilities

Whether you are a building owner, employer, general contractor, subcontractor, exempt trade group, or asbestos abatement contractor; when work involves the removal and/or disturbance of asbestos-containing material (ACM) and/or presumed asbestos-containing materials (PACM), you have many legal obligations. This article is the first in a series to address these obligations. In this article, we will look at the building or facility owner's responsibilities in regards to these materials.

The two MIOSHA asbestos standards that directly impact work activities within buildings containing asbestos are the *Asbestos Standards for General Industry* (i.e., 29 CFR 1910.1001) and the *Asbestos Standards for Construction* (i.e., 29 CFR 1926.1101). These standards are enforced by the Michigan Department of Consumer and Industry Services, Bureau of Safety and Regulation.

The *Asbestos Standards for General Industry* applies to all industries except construction work and shipbuilding, repairing, and breaking activities. It also applies to general housekeeping activities in buildings containing asbestos and to vehicle brake repair activities. Section (j)(2) of this standard requires building and facility owners to determine the presence, location and quantity of ACM and/or PACM at the work site and to inform employees who will perform housekeeping activities in these areas of the presence and location of these materials that may be contacted/disturbed during their work activities.



The *Asbestos Standards for Construction* applies to the construction, demolition, alteration, repair, maintenance, and renovation of structures containing asbestos that entail asbestos disturbance, removal, or encapsulation activities. Section (k)(2) of this standard requires that before construction related work is performed in buildings constructed no later than 1980, the building and facility owners must determine the presence, location, and quantity of ACM and/or PACM and convey this information to all employers with employees who will be working within or adjacent to areas containing such materials. This would also include informing contractors who may encounter ACM or PACM while working in the building.

During investigations, we often determine that **building or facility owners** have not complied with 29 CFR 1910.1001(j)(2) and 29 CFR 1926.1101(k)(2)(i). This deficiency constitutes a violation that typically carries a significant monetary fine. Building or facility owners can easily avoid such violations by obtaining a building survey from a Michigan accredited asbestos building inspector or certified industrial hygienist (CIH). For a listing of inspectors, you may contact the Asbestos Program, or search your local yellow pages under "Asbestos Consultants."

Also, please be advised that all housekeeping personnel who work in areas that contain ACM and/or PACM must be given an annual asbestos awareness training course as required by 29 CFR 1910.1001(j)(7)(iv). This training can be provided by any recognized asbestos trainer. ☺

Accreditation Renewal

Did you know that . . .

A renewal application must be returned to the Asbestos Program 30 days prior to the accreditation card expiration date. If this deadline is not met, the renewal application would require the initial fee, which is double the renewal fee. This policy was instituted to encourage individuals to send in their renewal applications early and to help ensure that all individuals working in the asbestos industry are accredited. To avoid the doubled fee, it is important to send in the renewal application by the renewal due date, even if you have not received your training certificate.

When an applicant's address changes, the Asbestos Program must be notified to ensure the renewal application is mailed to the current address.

When the Asbestos Program receives a renewal application with a training certificate that will expire within 30 days, the application will be considered deficient. To avoid an accreditation deficiency letter, submit a letter informing the Asbestos Program where and when you intend to acquire your refresher course. Once the refresher training has been completed, you must submit a copy of the refresher training certificate to the Asbestos Program. ☺

¡Hola! ¿Habla español?
Hi! Do you speak Spanish?

The Asbestos Program has developed a handout in Spanish to assist with our Spanish-speaking walk-ins. The handout explains our accreditation processing procedures. ☺



Set-up Activities

During investigations, we have encountered nonaccredited employees performing setup activities. As long as the asbestos-containing material is not contacted or disturbed, the state of Michigan does not require accreditation for the setup of an enclosure. However, these individuals should receive asbestos awareness training. Further, utilization of these individuals would require careful monitoring of the asbestos project to assure that nonaccredited individuals do not perform work that will disturb asbestos-containing materials.

If set-up activities require an individual to conduct a response action beyond the scope of a small-scale, short-duration operation, maintenance and repair activity, or an activity that involves a major fiber release episode, that person must be accredited in accordance with Section 3(1)(d) of Act 440 of the Public Acts of 1988, as amended. ©

Caution!
Contractors
Caution!



Please be advised that you MUST be a Michigan Licensed Asbestos Abatement Contractor to remove or encapsulate friable asbestos-containing material on the premises of other individuals or business entities. Therefore, if you are an accredited worker or an accredited contractor/supervisor, you CAN NOT remove/encapsulate asbestos from someone else's home or facility without first obtaining a Michigan asbestos abatement contractor license. Additionally, it has come to our attention that inspectors/consultants have 'helped out' facilities by cleaning up small amounts of asbestos-containing debris. Please be advised that such an action by an unlicensed asbestos abatement contractor is subject to a penalty under Public Act 135 of 1986, as amended. ©



DEMOLITION

Demolition activities are regulated by the OSHA *Asbestos Standards for Construction* (29 CFR 1926.1101) and the *National Environmental Standard for Hazardous Air Pollutants* (NESHAP). A Michigan licensed asbestos abatement contractor may remove asbestos-containing materials or, if prior approval is received from the Department of Environmental Quality (DEQ), the asbestos-containing materials may remain in the building.

The OSHA *Asbestos Standards for Construction* (29 CFR 1926.1101) defines "**Demolition**" as the wrecking or taking out of any load-supporting structural member and any related razing, removing, or stripping of asbestos products. Section (k) (*Communication of Hazards*) paragraph (1) states that employers and building owners shall identify thermal system insulation (TSI) and sprayed or troweled on surfacing materials in buildings as asbestos-containing if the building was built before 1980 or the materials were installed before 1980. It further indicates that asphalt and vinyl flooring materials installed no later than 1980 must be considered asbestos-containing. Section (k)(2)(i) states that before work subject to this stan-

dard is conducted, building and facility owners shall determine the presence, location and quantity of asbestos-containing material (ACM), and/or presumed asbestos-containing material (PACM).

The *Asbestos Standards for Construction* is triggered when any amount of asbestos is removed or disturbed; this includes demolition if the ACM remains. Therefore, whether the facility contains friable or non-friable materials; engineering controls, personal protective equipment, an appropriately trained competent person, appropriately trained workers, air monitoring, proper work practices and procedures, and respiratory protection are required.

If the building is being demolished without first removing the ACM, all subsequent demolished building materials or rubble may be classified as asbestos contaminated waste. Therefore, in many cases, it is more cost effective to remove any ACM with the potential to become friable before demolition. You are encouraged to contact the DEQ, Air Quality Division at 517.373.7064 for their regulations involving building demolition activities under NESHAP. ©

Spray Painting

When spray painting an asbestos-containing textured surface, (i.e., walls, ceiling, etc.) training requirements and work practices vary.

If the textured surface has been previously encapsulated, this work activity would not likely disturb ACM and therefore would not be considered a Class III work activity under 29 CFR 1926.1101.

If, however, the textured surface has

NOT been encapsulated, the work activity could disturb ACM and would be considered a Class III work activity under 29 CFR 1926.1101.

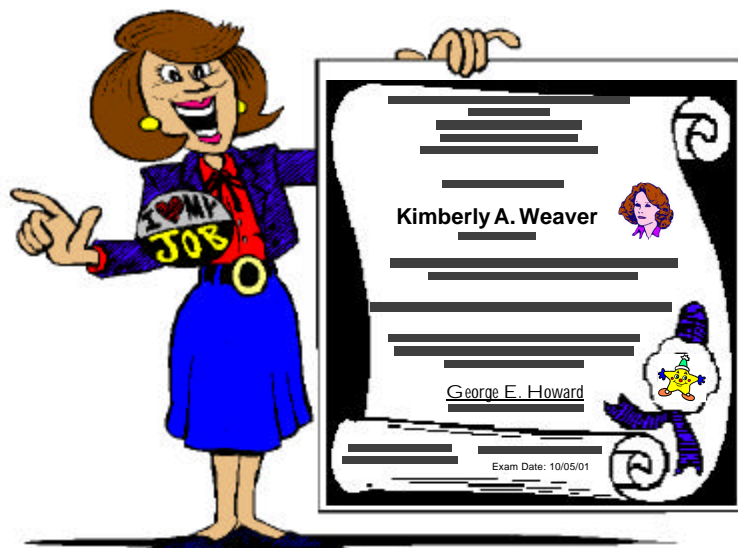
If this Class III spray painting project involves encapsulation of ACM over 10 linear or 15 square feet, it may be considered an asbestos abatement project requiring notification under P.A. 135 or 1986, as amended. ©




**TRAINING SPONSOR
Update**



TRAINING ISSUES



Training Certificates

 In Michigan, an approved training sponsor is allowed to issue training certificates. Each certificate issued in the state of Michigan **MUST** contain the following information:

1. A unique certificate number.
2. Name of accredited person.
3. Social Security Number.
4. Discipline of the training course completed.
5. Date(s) of the training course
6. Date of the examination.
7. An expiration date of 1 year after the date upon which the person successfully completed the course and examination.
8. The name, address, and telephone number of the training provider that issued the certificate.
9. A statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under the Toxic Substance Control Act (TSCA) Title II.

For all worker, contractor/supervisor, inspector, management planner, and project designer training certificates approved by the state of


Michigan, the compliance statement must state that the training **fulfills the requirements under TSCA Title II and is in compliance with 40 CFR 763 and Michigan Public Act 440 of 1988, as amended.**

With an increase of falsified training certificates being submitted to the state of Michigan, we are emphasizing the need to keep your training certificates (i.e., borders and font) consistent.

We have also noted that many asbestos training providers, both in state and out-of-state, are placing the student's picture on training certificates. This is especially helpful in the proper identification of a student and helps ensure that the person taking the course is indeed that person.

To alleviate situations involving fraudulent certificates, the state of Michigan is exploring the possibility of training providers taking pictures of their students and sending them to the Asbestos Program and/or providing certificates with pictures on them.☺


Social Security Numbers

 Michigan approved asbestos training course sponsor must issue a numbered certificate to a student upon successful completion of a training course. On the numbered certificate, the social security number of the student is required for accurate identification.

The Asbestos Program considers this information confidential. If a student refuses to present his/her social security card or number due to religious reasons, the program asks for the reason in writing from a recognized religious organization on their letterhead. From the information that is received, a decision is made as to whether the application will be processed.

Requiring social security numbers on training certificates has proven to be very effective in the proper identification of individuals. With the social security number, we can readily verify that individuals are giving accurate identifying information as well as distinguish between individuals having identical names. Requiring this number has also increased efficiency in processing applications.☺



 Training Sponsors of refresher training courses must confirm if their students are within the grace period allowed before granting course admission (not to exceed one year after course expiration). Additionally, the trainer should verify, by means of picture identification, if the person taking the course is who the person says he/she is.☺



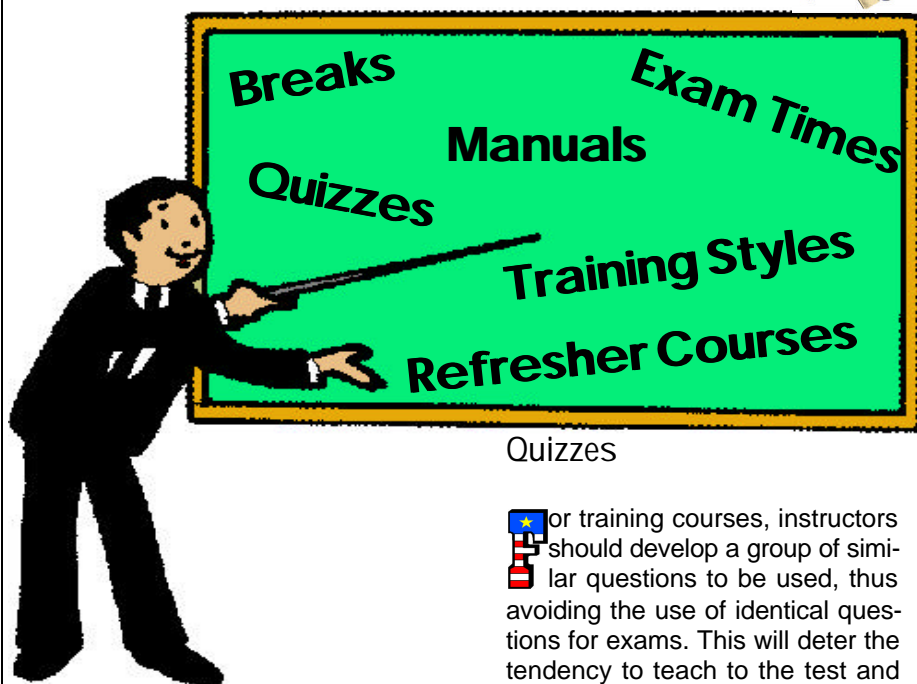
Training/Accreditation . . . Are they both up-to-date? An individual must have current training AND a current accreditation card to be able to work in the asbestos field. An individual is not allowed to perform asbestos activities with lapsed training, even if their accreditation card is valid. To do so would subject the individual to possible loss of accreditation and their employer to possible loss of licensure and/or monetary penalties.☺

Instructor Change . . . How to comply? Act 440 of 1988, as amended, section 11(2)(g) states that “an applicant desiring to sponsor a training course shall submit for each course . . . the names and qualifications of course instructors.” Thus, a training provider must notify the state of Michigan in advance when a new course instructor is to be added. Records must accurately identify the instructor(s) that taught each particular course for each date that a course is offered. Please note, this also applies to guest speakers.☺

Foreign Language . . . Which courses can be taught? According to EPA policy, only the worker initial and worker refresher training courses are allowed to be taught in a foreign language. Further, such courses shall not be taught using an English-speaking lecturer and an interpreter. These courses must be equivalent in training methods to the EPA Model Accreditation Plan (MAP). All other asbestos training courses must be taught in English.

To be taught in a foreign language, the training course must meet the following requirements:

1. Translate the course materials into the foreign language.
2. Provide the translated course materials to the state of Michigan.
3. Give written assurance with the submission of the course that the translation has been checked for accuracy.
4. Ensure the instructor is fluent in the language of the trainees.☺



Breaks

It is recommended that a short break be given at least every hour during the training course. This allows students to regenerate and focus on the material once they return to class. To accommodate this proposal, as well as stay within the required time parameters, it is suggested to have working breaks and possibly a working lunch. In a working break and/or lunch, students are provided with an exercise and then allowed to move around the classroom during this exercise.

Training Styles

It is important to emphasize that breaking up a lecture with different presentation/training media (i.e., videos, slides, marker board, games, etc.) greatly enhances the course material. Studies have shown that the presentation of required topics in different training styles benefits the students and enables them to retain more of the course materials.

Quizzes

For training courses, instructors should develop a group of similar questions to be used, thus avoiding the use of identical questions for exams. This will deter the tendency to teach to the test and help give the student an overall understanding of the presented topic. The answers to the exam should not be revealed before students take the exam.

Manuals

Course materials distributed to students must be up-to-date and accurate. It is imperative that the instructor furnishes students with the latest versions of regulations. Updates can be obtained from the Asbestos Program or the Asbestos Program's website.

Exam Times

On the final day of an initial course, it is expected that there will be at least five hours of instruction prior to the exam. The length of time permitted to complete the exam may vary per course but should not normally exceed two hours.

Refresher Courses

Hands-on instruction is recommended for all refresher courses. “Proper glove bag techniques” is one of the suggested hands-on topics for most courses.☺



CONTRACTOR ISSUES

Roofing

Prior to the initiation of a demolition or renovation project, a thorough inspection (by a qualified person) MUST be conducted of the facility. This survey must determine what asbestos-containing roofing materials are present and what asbestos-containing building materials may be affected by vibration caused by reroofing activities. This involves assessing the individual roofing materials and flashing, in addition to considering the deck's underside, such as, the fireproofing, drain pipes, suspended pipes, and suspended ceilings. It is important to recognize that, under the Asbestos Hazard Emergency Response Act (AHERA), asbestos building inspections performed in K-12 public or private schools do not address exterior building materials that may contain asbestos (ex: roofing materials).

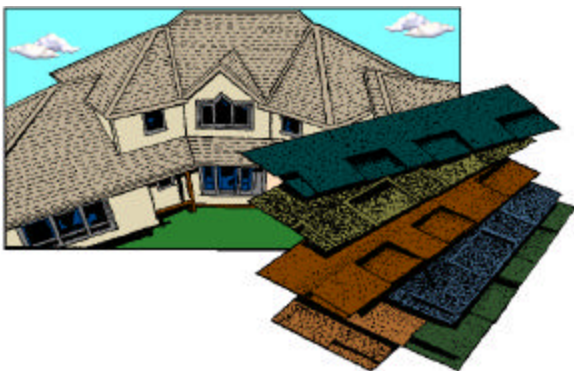
A roofing contractor should assume suspect roofing materials (e.g., base flashings, membranes, vapor retarders, and insulation facers) contain asbestos unless these materials have been analyzed by an accred-

ited laboratory and confirmed to be asbestos free.

If suspect asbestos-containing roofing materials are presumed or confirmed to contain asbestos, the roofing contractor must assure that its work practices comply with the requirements of 29 CFR 1926.1101(g)(8)(ii), (g)(8)(iii), and (g)(11) as applicable.

- 29 CFR 1926.1101(g)(8)(ii) covers work practices/procedures involving built-up or asphalt shingled asbestos-containing roofs.
- 29 CFR 1926.1101(g)(8)(iii) applies to cementitious asbestos-containing siding and shingles including transite panels containing asbestos.
- 29 CFR 1926.1101(g)(11) applies to asbestos-containing roof flashings.

In addition, employees and supervisors performing work involving asbestos-containing roofing materials must be trained in accordance with 29 CFR 1926.1101 (k)(9)(iv)(A) and 29 CFR 1926.1101(o)(4)(i) respectively. ☺



HEPA Vacuums


A HEPA-filtered vacuum is essential for cleaning the work area after asbestos has been removed. Such vacuums are designed to be used with a HEPA (High Efficiency Particulate Air) filter. A HEPA filter is defined in 1926.1101 as a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers in diameter or larger.

HEPA vacuums must meet the requirements as specified in the OSHA asbestos standards 29 CFR 1910.1001 and 29 CFR 1926.1101. Therefore, HEPA filters utilized on project sites must be tested and certified. The HEPA filter test method, commonly employed by the nuclear industry and the military, uses a thermally generated monodisperse DOP (dioctyl or di-2-ethylhexyl phthalate) aerosol as a challenge agent.

Contractors utilizing homemade HEPA vacuums would not be in compliance with the above requirements. Further, a household vacuum cleaner retrofitted and used as a HEPA vacuum is not an acceptable engineering control. ☺




MWREC?


he Michigan Asbestos Program participates in the Midwest Regional Environmental Consortium (MWREC) consisting of six states (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, and EPA Region V). This group was formed in 1999 and serves as a forum for sharing and communicating asbestos-related information. MWREC also helps to provide better customer service to asbestos contractors, their workers, and ultimately to Midwest citizens by providing regulatory consistency, and improving training and accreditation program efficiencies.

MWREC was instrumental in sponsoring the Annual National Asbestos Conference held in Chicago in April 2000. At the conference, representatives from Michigan's Asbestos Program gave a well-received presentation on "Coordinating OSHA and AHERA/MAP Asbestos Regulations.©"


Renewing Contractor Licenses

uite often, deficiencies are noted in contractor license renewal applications. As a reminder, when renewing your contractor's license, be sure to include a copy of your workers' compensation insurance certificate (issued within the last 30 days) and a list of all workers and contractor/supervisors in your employ.©

Floor Tile Removal Machines

loor tile removal machines do NOT typically remove floor tile in an intact state. Contractors utilizing these machines for floor tile removal must perform this activity within a negative pressure enclosure. Additionally, such activity will require 32-hour trained workers and a 40-hour trained competent person.©

FLOOR TILE REVISITED

n June 15, 1995, federal OSHA entered into a Settlement Agreement with flooring industry representatives. This agreement permits flooring removal contractors to make negative exposure assessments, and thereby avoid work-site monitoring, when:

1. removal is conducted in strict compliance with certain work practices;
2. the employees are properly trained; and
3. a competent person determines that the material being removed is intact.

The Settlement Agreement also modifies the requirement for competent person training involving flooring removal work. Instead of the 40-hour training generally required, the competent person who supervises removal of 'intact' flooring material must receive at least a 12-hour training course. The course topics are listed in Appendix A of the Agreement. If the flooring material is not removed intact or if other work practices are used, the competent person must receive the full 40-hour training.

The work practices required to qualify for the exceptions are listed below:

- Before removal begins, the entire floor is vacuumed using a HEPA vacuum with a metal floor attachment.
- Each floor tile is pried up individually using a stiff bladed scraper. If a tile does not release from the adhesive when the scraper is forced under the tile by hand, the scraper may be struck with a hammer to cause the tile to release and/or the tile

may be heated (e.g. using a hot air gun) to soften the adhesive and facilitate removal.

- Alternatively, without first prying up floor tiles using a scraper, heat is applied to the floor tile from a heat source (e.g. infrared heat machine) and the tiles are removed by hand or by using a scraper.
- After the tile is removed, it is placed in a heavy-duty impermeable trash bag or other closed leak-tight container without further breakage.
- As small areas of floor are cleared of tile, residual adhesive is removed, to the extent necessary to prepare the surface for installation of new flooring material, by being wetted and scraped using a stiff bladed floor scraper.
- Alternatively, after the tile is removed, residual adhesive is removed by using a low speed floor machine and wetted sand or a removal solution.
- The area from which the adhesive has been removed is vacuumed using a HEPA vacuum with a metal floor attachment.
- After the entire floor has been removed and has dried, it is vacuumed using a HEPA vacuum with a metal floor attachment.©





TRAINING SPONSOR Update

MDCIS - Asbestos Program

The Training Sponsor Update is published periodically by the Michigan Department of Consumer and Industry Services (MDCIS), Asbestos Program, which is responsible for assuring that people working with asbestos or individuals performing asbestos abatement activities are properly trained and comply with rules governing the work activity.

The purpose of the Training Sponsor Update is to educate Michigan training providers, contractors, and other interested parties, offer suggestions, and present updated information in regards to asbestos. It is hoped that this information will improve course content and structure as well as inform others of asbestos-related matters.

This document is in the public domain and we encourage reprinting.©

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